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**S A C K E T T  
AND ASSOCIATES**

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/as

Attorney for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ERSIE EVERETTE,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Commissioner,

Social Security Administration,

Defendant.

) No. C 07-03013 MEJ

)

)

)

) STIPULATION AND ORDER AWARDING

) ATTORNEY'S FEES AND COSTS

) UNDER THE EQUAL ACCESS TO

) JUSTICE ACT

) [28 U.S.C. § 2412(d)]

)

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)

Plaintiff and Defendant, through their respective attorneys, hereby stipulate that subject to the approval of the Court, Plaintiff's counsel, as Plaintiff's assignee, shall be awarded attorney fees under the EAJA in the amount of FOUR THOUSAND SEVEN HUNDRED FOURTEEN DOLLARS and FIFTY-FIVE CENTS (\$4,714.55). This amount presents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920 and 2412(d).

1 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
2 attorney fees, and does not constitute an admission of liability on the part of Defendant under  
3 the EAJA. Payment of \$4,714.55 in EAJA attorney fees shall constitute a complete release  
4 from and bar to any and all claims Plaintiff may have relating to EAJA fees and costs in  
5 connection with this action. Any payment shall be made payable to Plaintiff's counsel as  
6 Plaintiff's assignee and delivered to Plaintiff's counsel. This award is without prejudice to the  
7 rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406,  
8 subject to the offset provisions of the EAJA.

9  
10 Dated: February 24, 2009

/s/

HARVEY P. SACKETT  
Attorney for Plaintiff  
ERSIE EVERETTE

13  
14 JOSEPH P. RUSSONIELLO  
United States Attorney

15  
16 Dated: February 24, 2009

/s/

GINA SHIN  
Assistant Regional Counsel

17  
18  
19 IT IS SO ORDERED.

20  
21 Dated: February 26, 2009

  
HON. MARY ELENA JAMES  
United States Magistrate Judge